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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Bangladesh: Endemic torture continues despite enactment of anti-torture law

1. It is not new to the international community that torture is endemic in Bangladesh. It may be surprising to know that torture has been finally criminalized there. On 24 October 2013 the Torture and Custodial Death (Prohibition) Bill, 2013, was enacted by the parliament. The people of Bangladesh achieved this law at the costs of a very high price for decades. Hundreds of people had been tortured to death since the independence of Bangladesh while tens of thousands of people sustain torture every year in the hands of the police, paramilitary forces, armed forces as well as the intelligence agencies. Continuous pressures from the local and international human rights groups also contributed to final outcome, through the enactment, since the Bill was tabled four years ago, on 10 September 2009, in the Parliamentary Session. The ninth Parliament passed the law in one of its concluding Sessions, before it was supposed to complete its tenure.

2. The Asian Legal Resource Centre's (ALRC) sister organization the Asian Human Rights Commission (AHRC) drafted the Torture and Custodial Death (Prohibition) Bill in 2009 in compliance with Convention Against Torture (CAT) responding to a call from Bangladesh's parliamentarian Mr. Saber Hossain Chowdhury. The ALRC and AHRC continuously campaigned inside Bangladesh and internationally seeking the enactment of the law against torture since the Bill was drafted.

3. The prevalence of torture in its entirety and brutality in Bangladesh is worse ever at the moment. Besides the systemic practice of physical torture inside the police cells, interrogation cells, and camps of the paramilitary forces there are secret torture cells. The Rapid Action Battalion (RAB), the Directorate General of Forces Intelligence (DGFI), the National Security Intelligence (NSI), the Detective Branch (DB) and the Criminal Investigation Department (CID) of the Bangladesh Police maintain these torture cells for torturing people keeping them in prolonged detention. The records regarding such detentions of persons are never shared with anyone and accessible to the people. It is only known when few detainees are released following persuasions and pressures from high-level political portfolios.

4. The government has formed a Joint Force comprising the Police, the Rapid Action Battalion (RAB), and the Border Guards Bangladesh (BGB) to operate crackdown on the opposition parties. Numerous people are facing torture and various forms of atrocities, including rape, at nights when the Joint Force is attacking in the houses of the pro-opposition leaders, activists and supporters in different parts of Bangladesh. The screams of the countless victims are being adequately heard as the media is fully under the governmental control, followed by self-censorships. A large number of people are being inflicted by torture outside the police stations or camps of the paramilitary and security forces due to the ongoing crackdowns of the Joint Force. The recent trends include, bulldozing the houses and business establishments of the opposition activists, and shooting on legs of the detainees in the police custody leading to permanent disability of persons.

5. The government has recently increased facilities of the police by paying more incentives, rations, and empowering the ranks and authorities of police officers. The authorities are also going to recruit fifty thousand more personnel to the police, which will reduce the ratio gap between the people and the police in the government. This development could have been a unique opportunity for changing the police's torturous behaviour and practice since the anti-torture law is in place. Regrettably, the government, which has just renewed its tenure through a fake parliamentary election, is abusing this opportunity to recruit allegedly their party cadres aiming to drive away the opposition.

6. The enactment of the anti-torture law has been an opportunity for seeking, and administering justice in the incidents of torture and custodial deaths. The law has not been used by any segment of the society to change behaviour, attitudes and the system of the police and other law-enforcement agents or security forces. In last four months there has been no initiative from the Government of Bangladesh encouraging the people to use the law. The government or the Parliament has not initiated any specific programmes to monitor the custodies of the law-enforcing agencies and security forces where torture takes place routinely. There has been no attempt from any public institution to promote the anti-torture law in last four months. The ALRC has not yet found any single case has been registered or investigated applying the provisions of the Torture and Custodial Death (Prohibition) Act, 2013. Preventing this heinous crime or ensuring justice to the victims of torture and custodial death has been put into practice.

7. The absence of implementation process of the anti-torture law reflects the government's unwillingness to end the torturous system, which provides political benefits to the ruling parties in Bangladeshi political culture. As a matter of fact, all the law-enforcement agencies and paramilitary forces routinely commit torture, as usual. Tens of thousands of citizens are being inflicted by torture across the country every day without any possibility of getting justice.

8. Bangladesh's National Human Rights Commission (NHRC) has not initiated any visible programme to address the torture-prone problems since this national institution's inception in 2008. The NHRC continues its visionless activities as usual, which is exposed once again since the NHRC has been maintaining cluelessness regarding the anti-torture law. The human rights groups based in Bangladesh have been keeping silence instead of campaigning for implementing and utilizing the anti-torture law. Many rights organizations discuss the issue of torture occasionally, on 26 June and 10 December, to celebrate the special days as far as their foreign funded projects allocates money to spend for those events. Most of the rights NGOs are rather busy with hunting projects and money from potential funding partners. By keeping up certain NGO-activities the leaders, most whom are rather known to be the owners of their respective organizations, engage themselves in promoting the political agenda of their preferred parties.

9. Amidst the partisan polarization of the human rights and civil society groups the urgently required discourse for institutional reforms, particularly reforming the torturous policing system, is absent. The entire criminal justice system, including the complaint mechanism, criminal investigation, forensic examination, prosecution and the legal profession, is incapable of comprehending the multi-dimensional problems created by the torturous policing system that are directly connected to the country's political culture as well. The ruling political parties always sit on the cockpit of propelling the police at their wish. The opposition activists and critiques of the government are targeted while the police are expected to use torture, fabricating of cases followed by illegal arrest and arbitrary detention against the targets.

10. The state agencies do not spare any professionals such as journalists, lawyers, university teachers and researchers. Regardless of professional identity, whenever any person expresses critical views or exposes any research-based documentation or publishes any book regarding the on going human rights abuses the person becomes a prey. Intelligence surveillance becomes integral part of their life. Unidentified persons' phone calls with intimidations, threats, followed by systematic interrogations in known and unknown places, cripple their personal and professional life and liberty that amount to psychological torture.

11. The ALRC has verified such allegations with a number of prominent citizens who have asserted that intelligence surveillance and threats have been part of their life. Some academic scholars have confirmed to the ALRC that their family members including spouse and children have also been receiving threatening phone calls and unknown persons chasing their vehicles when the children and spouse commute to and from home for professional and academic activities. Officers of intelligence agencies visit to the office and house of the professionals, often at late nights. These late-night-visitors always visit in team comprising at least two male persons; one of them introduce himself and his colleague with a short name and name of the agency they work while the other member of the team stares at the person with cruel eyes without pronouncing any word during the entire session lasting around 40 minutes. These teams always give impression that they know much about person they were visiting, by sharing certain exclusive information that only few closely related persons are aware of. They abruptly accuse the person (being visited) about one or several actions that the person literally did not have any relation to. However, they do not entertain any supplementary question about their purpose and reasons behind such surveillance with the excuse of 'official secrecy'.

12. There is no available and affordable remedy for the prevalent denial of rights to personal liberty. Given condition of Bangladesh is grave. Torture is in the centre, along with numerous other systematic methods, to silence the entire society. The ongoing stifle urgently needs to be addressed.

13. The ALRC urges the Human Rights Council to take up the issue of Bangladesh as a priority. The prevailing situation deserves urgent attention from the international community. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; in particular, and other independent experts especially, the Special Rapporteurs on extra-judicial, summary or arbitrary executions; on freedom of expression and opinion; on situation of human rights defenders; and on independence of judges and lawyers should take this up as a priority in Bangladesh. Given the fact that some of their requests to visit the country have yet to be answered, the ALRC requests the Council to remind and urge the government of Bangladesh to respond to them. In addition, it also urges that the government of Bangladesh to engage in constructive collaboration with the Special Procedures. The ALRC urges the Human Rights

Council to develop an effective binding mechanism to make the theoretical rights affordable in the real life of the people in countries like Bangladesh. The government of Bangladesh should not be allowed to enjoy impunity, which the government provides to the state perpetrators of violations of human rights.